

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWIN MILLER

Plaintiff,

v.

Case No. 08-13333

OLGA'S KITCHEN, INC. a Michigan
Corporation, and WILLIAM MATTHEW
CARPENTER

Honorable John Corbett O'Meara

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff filed a four-count complaint in this court on August 1, 2008, alleging the following: retaliatory discharge in Count I, pursuant to 42 U.S.C. § 2000e-3(a); retaliatory discharge in Count II, pursuant to 29 U.S.C. § 623(d); retaliatory discharge in Count III, pursuant to M.C.L. § 37.2101 et seq.; retaliatory harassment in Count IV, pursuant to M.C.L. § 37.2010 et seq.

While the claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. §§ 1331, 1337, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c).

Accordingly, it is hereby **ORDERED** that Counts III, and IV are **DISMISSED**.

s/John Corbett O'Meara

United States District Judge

Date: September 5, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 5, 2008, by electronic and/or ordinary mail.

s/William Barkholz

Case Manager